

Home Builders Federation

Matter 1, 11, 15 and 16

BRIGHTON AND HOVE CITY PLAN PART 2 EXAMINATION

Matter 1 Legal and procedural requirements

Has the Plan been prepared with due regard to the appropriate legislation, procedures, and regulations?

Issue 1 Duty to Cooperate

1. What strategic, cross-boundary matters have arisen through the preparation of the Plan and what cooperation took place to resolve them? (Defined as matters having a significant effect on at least two planning areas) (See Initial Question 13 - 16 and the Council's response)

2. Has the Council maximised the effectiveness of the Plan by engaging constructively, actively and on an ongoing basis with prescribed bodies on the strategic matters relevant to this Plan and what form has it taken?

3. In overall terms, has the Duty to Cooperate under sections 22(5)(c) and 33A of the Planning and Compulsory Purchase Act 2004 (2004 Act) and Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations (2012) (2012 Regulations) been complied with, having regard to advice contained in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (the PPG)?

The HBF welcomes the Councils decision to prepare a Statement of Common Ground with all the strategic planning board members for this examination and update their Local Strategic Statement. It is important that the degree to which this Council and others are meeting, or indeed failing to meet, the level of growth required for this part of West Sussex is constantly reviewed to ensure that local planning authorities are challenged to maximise delivery in order to address this strategic issue. Therefore, it would appear from the Councils updated Duty to Co-operate Statement (SD10) and the answer to the inspector's initial questions that there is ongoing engagement on this matter and therefore in relation to this local plan we are satisfied that the Council has fulfilled its legal duty to co-operate in relation to the matters we raised in our representations.



Matter 11 Housing Policies

DM1 Housing quality, choice, and mix

1. Is the requirement for all new residential development to meet the nationally described space standards and be accessible and adaptable in accordance with Building Regulation M4(2) justified? What is the evidence for the requirement for M4(3) (Wheelchair User Dwellings) given the necessity for local plan policies for wheelchair accessible homes to be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling? In light of paragraphs 003 to 008 of the PPG Housing-Optional technical standards, which sets out the requirement for evidence to determine the need for additional standards and the need to clearly state what proportion of new dwellings should comply with the requirements, would these requirements be soundly based?

Nationally Described Space Standards

As set out in our representations the HBF shares the Council's desire to see good quality homes delivered across Brighton and Hove. However, the HBF also consider that space standards can, in some instances, have a negative impact upon affordability issues and reduce customer choice and as such there must be a robust justification to support their adoption. The HBF do not consider the Council to have provided the necessary evidence in the updated space and accessibility topic paper (TP01) to support the need for Nationally Described Space Standards (NDSS) to be implemented.

Footnote 49 of the NPPF and paragraph 56-020 of PPG both set out that the application of technical standards must only be applied where this can be justified both in terms of need and viability. However, the Council continue to rely on wider general concerns, as stated in paragraph 2.6 of TP01, within the area that the homes being developed are too small and recent appeals rather than actual evidence that the provision of homes below these standards is endemic in the Borough. Indeed, the evidence provided by the Council with regard to the consideration of space standards at appeal would suggest that existing policies on design and amenity of residential properties are sufficient to ensure inappropriately small homes do not come forward whilst providing flexibility to allow well designed smaller homes to be delivered where appropriate. Therefore, our concerns set out in our representations remain. Without any substantial evidence with regard to need for NDSS being given as justification the Council cannot adopt NDSS and part c should be deleted.

However, if the Inspector considers the Council's evidence to be sufficient, we ask that the part c be amended as suggested below to provide greater flexibility to allow for the delivery of well-designed homes that are smaller than national space standards.

c) all residential units should meet the nationally described space standards. Exceptions will be made for well-designed homes that are smaller than these standards that meet the needs of its occupants;

Whilst we recognise some flexibility is already provided for within the policy, we consider this amendment provides greater clarity to both applicants and decisions makers. Given the constraints on development in Brighton and Hove, and that the Council's housing land supply expects 150 homes to come forward each year on small windfall sites of 5 or less dwellings, it will be important to maximise delivery on sites where space standards could compromise their deliverability.

Part M4(2) and M4(3)

Part d of Policy DM1 specifies that all residential units must meet the optional Part M4(2) standards of the Building Regulations, relating to accessible and adaptable dwellings. The HBF understand that there is a need to ensure some homes are built to meet the needs of residents with restricted mobility, especially as the population ages. However, it is also important to recognise that footnote 49 to paragraph 130 of the NPPF requires that these only be required in planning policies where they to meet an identified need. Therefore, it must be necessary to show that there is a need for all new homes to be built to the higher standard.

Part of the supporting evidence, as set out PPG, must be a consideration as to the accessibility of the existing stock. It must be remembered that many of those who will have mobility difficulties in future already live in the Borough, they are not new households. As such it is important to consider whether the needs of those households will be addressed in their current home, a new home built to part M4(1) or whether they will need a more accessible home built to a higher standard. In most cases, adaptation to the existing stock or current mandatory standards, which are designed to ensure all homes are reasonably accessible for most people - including wheelchair users, will be sufficient to meet the needs of those who are less mobile.

Our representations provide some national level data from the English Homes Survey with regard to the proportion of people who consider their current home to be unsuitable for their needs that are likely to move in order ensure their needs are met. Despite this evidence showing that a relatively small proportion of those needing adaptations cannot adapt their current home the Council do not appear to have undertaken any assessment to determine the accessibility and adaptability of the existing housing stock, which would contribute towards meeting any future need. Indeed, the Councils currently appear to be assuming that residents reaching a certain age will automatically require enhanced accessibility provision that can only be provided in a new home built to M4(2) rather than through the adaptation of an existing home or one built to mandatory building regulations. As such the evidence as currently set out is not sufficiently robust to justify all homes are built to part M4(2). The HBF therefore consider that part c is not supported by sufficient and robust evidence as required by national policy and the requirement is unjustified.

In arriving at its policy that 10% of affordable homes and 5% of market to be wheelchair accessible – Part M4(3) – the Council state in paragraph 3.6 that this is arrived at through analysis of registered needs (for affordable housing) and the number of people

holding blue badges (market housing). However, the Council does not set out any further detail of this evidence in terms of the scale of need and how it relates to housing growth in future. The Council do point to further evidence. For example, table 3 indicates that there is likely to be an increasing number of people with a serious disability, however the study does not consider how many of these people are likely to require home that is wheelchair accessible, or the potential tenure split between market and affordable housing. Paragraph 3.16 of TP01 points to the Older Person Housing Needs study and the need for more wheelchair adapted housing. However, this study would appear to be related to older peoples' housing schemes and not general market or affordable homes. The HBF recognises that some new homes will need to be built to this higher standard but, as for M4(2), there must be clearer justification for the level at which it is being set.

Finally, the Council will need to make the distinction in part e of policy H1 between wheelchair adaptable homes that can be applied to market and affordable housing and wheelchair accessible housing that can only be required for homes where the Council has nomination rights – as set out in paragraph 56-009 of PPG.

2. Given the CIL Viability Study 2017 (and subsequent addendums) would the requirements in C-E of this policy have any significant impact on the viability of delivering housing within the City?

It would appear from the Council's viability study that the requirements in C-E of H1 will not impact on the viability of delivering housing within the city. However, given the topography of the city and the constrained nature of many small sites there must be a concern that the accessibility standards and space standards could be undeliverable or increase costs as to render a development unviable. It is therefore important to ensure that if these policies are adopted, they are sufficiently flexible to ensure development affected by such circumstances can come forward without the need for significant negotiation.

3. Do the policy requirements, including those for usable outdoor amenity space strike the right balance between providing high quality living conditions for future residents and delivering housing to meet identified needs?

No comment

Matter 15 Transport and Travel DM33-36

DM36 Parking and servicing

1. Would the parking standards set out in appendix 2 of the Plan, accord with NPPF paragraph 107? Are they justified and would they strike the right balance between providing appropriate levels of car parking spaces and promoting sustainable forms of travel in areas with good public transport accessibility?

No comment

2. In referring to any subsequent revisions to the parking standards as set out in appendix 2, would the policy be justified and effective?

It is not justified, or necessary, to require development to apply future revisions to parking standards. Given that these policies will be used to determine planning applications it is not possible on the basis of current regulations to amend them through guidance. Any updates to appendix 2 should only be undertaken through a focused review of the local plan to ensure their impacts are properly considered and that such changes are justified.

3. Does the policy provide appropriate support for car free developments in general?

No comment.

Matter 16 Environment and Energy DM37-46

DM44 Energy efficiency and renewables

1. Would the approach to energy efficiency and renewables accord with national policy, in particular the Written Ministerial Statement 2015 on nationally described standards? How would it interact with City Plan Part 1 policy CP8? Should it take into account the whole energy life cycle of development?

The requirement for development to achieve at least a 19% improvement on the carbon emissions targets set by part L of the building regulations is consistent with national policy and guidance. Paragraph 6-012 of PPG considers this matter and outlines that local energy performance standards can be set out in local plans but that these should be no higher than the equivalent of level 4 of the Code for Sustainable Homes. The paragraph goes on to note that this is approximately 20% above current building regulations.

However, the policy should not take into account the whole energy life cycle of development. The housebuilding industry, through the HBF, recognises that there is a need to improve the environmental performance of new residential development. In order to achieve this, we established, with a wide range of partners, the Future Homes Task Force. This task force examined how the house building industry can work toward delivering net zero homes by 2050. The initial outcomes of this work can be found at <https://www.futurehomes.org.uk/> with a summary of the Delivery Plan resulting from this work attached to this response.

The delivery plan published by the task force in July outlines the need to operate on a collective basis recognising the need for housebuilders, their supply network and the trades people building homes to successfully transition to the delivery of low carbon homes. In addition, it recognises the need for both national and local government alongside housebuilders to ensure those people buying new homes are confident in the technologies and systems being used. As such the HBF consider a national and standardised approach to improving the energy efficiency of buildings to be the most effective approach in that it balances improvements to building performance with the continued delivery of housing and infrastructure which would appear to be the approach broadly being adopted by the Council with regard to the Future Homes Standard.

It is important to recognise that the approach being set out by government through the proposed improvements to part L and the introduction of the Future Homes Standard in 2025 is one that provides a clear transition to a low carbon future, in line with paragraph 152 of the NPPF. Councils should therefore not seek to move ahead of these standards which take account of the need to maintain delivery of new homes to meet needs alongside improvements in energy efficiency.

2. In seeking to encourage all development to improve energy efficiency, would the policy be effective in meeting its aim to contribute towards a carbon neutral city by

2030? What is the evidence to support the standards encouraged and are they justified? What is the justification for the areas indicated where greater reductions in CO2 emissions would be encouraged (Low Carbon Opportunity Zones – Development Area 1-7, H2 allocations and industrial areas identified and safeguarded in CP3.3)?

As set out above the HBF consider the most effective approach to delivering on national objectives relating to carbon neutrality are for the application at a local consistent national standard. However, we do not object to Council's encouraging developers to achieve higher standards as long as it is clear to applicants and decision makers that this are not requirements of the local plan.

3. Are Modifications to the policy and supporting text required to clarify the interrelationship with the standards encouraged for all new development and the Future Homes Standard and Future Buildings Standard? In light of those emerging standards would the policy be effective?

No. The policy is clear that the improvements asked for in part 1 will be required unless superseded by national policy or legislation – such as those set out in the future homes standard.

4. In considering City Plan Part 1 policy CP8 and this policy, does the Plan provide appropriate support for energy efficiency retrofitting?

No comment

5. Are Modifications required to ensure that the policy is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?

No comment

Mark Behrendt MRTPI
Planning Manager – Local Plans SE and E